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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/052,500

01/23/2002

Michael Kagan

3091/20

4997

44696

7590

08/11/2009

DR. MARK M. FRIEDMAN

C/O BILL POLKINGHORN - DISCOVERY DISPATCH

9003 FLORIN WAY

UPPER MARLBORO, MD 20772

EXAMINER

NANO, SARGON N

ART UNIT

PAPER NUMBER

2457

NOTIFICATION DATE

DELIVERY MODE

08/11/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MICHAEL KAGAN, DIEGO CRUPNICOFF, OPHIR  
TURBOVICH, MARGARITA SHNITMAN, ARIEL SHACHAR, and GIL  
BLOCH

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Application No. 10/052,500  
Technology Center 2400

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Mailed: August 10, 2009

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Before MARIA VIGNONE, *Supervisory Trial Clerk*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

### EXAMINER'S ANSWER, HEADINGS

A review of the file indicates that the Examiner's Answer filed November 5, 2007 does not comply with the guidelines provided in MPEP § 1207.02 because it does not contain all of the required heading items. Specifically, the Examiner's Answer must contain the following heading items in the following order:

- (1) *Real party in interest.*
- (2) *Related appeals and interferences.*
- (3) *Status of claims.*
- (4) *Status of amendments After Final.*
- (5) *Summary of claimed subject matter.*
- (6) *Grounds of rejection to be reviewed on appeal.*
- (7) *Claims Appendix.*
- (8) *Evidence Relied Upon.*
- (9) *Grounds of Rejection.*
- (10) *Response to Argument.*
- (11) *Related Proceedings Appendix..*

An in-depth review of the Examiner's Answer indicates that the following section is missing from the Examiner's Answer mailed November 5, 2007:

- (5) *Summary of claimed subject matter.*

### POWER OF ATTORNEY AND CHANGE OF ADDRESS

Appellants filed a Power of Attorney dated June 24, 2006 (and a duplicate copy on June 13, 2007). On June 21, 2007, the Examiner notified the Appellants that the Power of Attorney would not be entered. However, the attorney designated in the un-entered Power of Attorney (Mark M.

Friedman) has filed all subsequent papers in the present Appeal. Additionally, on August 6, 2008, Mr. Friedman filed a Change of Address in his favor which was subsequently entered by the Examiner on November 17, 2008. However, as the Power of Attorney designated Mr. Friedman was never entered, Mr. Friedman is not the attorney of record. Resolution of this issue is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to submit a PTOL-90 correcting the Examiner's Answer mailed November 5, 2007 and;
- (2) to resolve the discrepancies regarding the Power of Attorney filed December 3, 2002 and the Change of Address filed November 17, 2008 as required; and
- (3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

MV/nhl

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